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Letter dated 20 April 2006 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached addendum to the fourth report of Turkmenistan submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Adamantios Th. **Vassilakis**
Acting Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 20 April 2006 from the Permanent Mission of Turkmenistan to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of Turkmenistan to the United Nations presents its compliments to the Counter-Terrorism Committee and has the honour to submit additional information to the fourth report of Turkmenistan on measures taken to implement Security Council resolutions 1373 (2001) and 1624 (2005).

Enclosure

[Original: Russian]

Additional information on the fourth report of Turkmenistan on measures to implement United Nations Security Council resolution 1373 (2001)

This information was prepared in accordance with the comments by the Chairman of the Counter-Terrorism Committee on the fourth report of Turkmenistan, submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001); measures within the framework of resolution 1624 (2005) were also taken into consideration.

In accordance with the Act of Turkmenistan on combating terrorism of 15 August 2003, the law enforcement agencies of Turkmenistan combat terrorism within the limits of their authority, mainly in the area of detecting and preventing potential manifestations of terrorism and suppressing illicit links between nationals of Turkmenistan and members of international terrorist organizations.

A proponent of a policy of peace and good-neighbourliness — a policy which is especially crucial against the backdrop of a complex situation in which there are outbreaks of armed conflict at various points throughout the world posing a serious threat to all of humanity — Turkmenistan affirms, in accordance with Security Council resolution 1373 (2001), its unequivocal condemnation of terrorist acts in all their manifestations and is fully committed to the efforts of the international community to combat manifestations of this evil.

2005 marked a historic event for Turkmenistan. As it endeavoured to improve international cooperation in combating crime, Turkmenistan became a full member of the International Criminal Police Organization (Interpol). Turkmenistan's membership in such a representative organization through inclusion in the Interpol global communications system I-24/7 will have a positive impact on international police cooperation and improve international cooperation in combating terrorism.

Confronted by the large-scale international terrorist and extremist offensive, the countries of the Commonwealth of Independent States (CIS) perceived this threat as a global problem which can be tackled only through joint efforts. Such efforts included the international workshop for CIS member States held in Moscow from 28 to 30 December 2005 on enacting the universal counter-terrorism instruments and regional experience in promoting international cooperation against terrorism, organized by the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC), the Security Council Counter-Terrorism Committee Executive Directorate and the CIS Anti-Terrorist Centre, in which representatives of Turkmenistan also took part. The workshop was a forum for CIS member States for the purpose of: considering progress made in the area of ratifying and legally implementing the 12 universal conventions and protocols on combating international terrorism as well as Security Council resolution 1373 (2001), conducting a focused survey of the general amendments to legislative acts which were taken or will be necessary for the practical implementation of these instruments, exchanging experience in enhancing international cooperation in

combating terrorism, and determining future measures at the national and regional level.

Emphasizing the leading role of the United Nations in combating terrorism and supporting the existing universal legal instruments to combat terrorism and viewing them as the basis for international cooperation to counter international terrorism, Turkmenistan has acceded to all 12 universal counter-terrorism conventions and the protocols thereto.

Given that terrorist activity is generally of an international nature, Turkmenistan is taking every necessary measure to strengthen monitoring of the entry of foreign nationals and stateless persons into the territory of Turkmenistan and their stay in and exit from the country, including the adoption on 7 December 2005 of the Act of Turkmenistan on migration, which establishes in accordance with the generally recognized standards of international law, the procedures for entry into, stay in and exit from Turkmenistan by Turkmen nationals, foreign nationals and stateless persons and which also determines the legal relations in the area of migration processes in Turkmenistan and the authority of the government agencies of Turkmenistan to regulate migration processes in Turkmenistan. This law regulates the obtaining of residence permits by foreign nationals and stateless persons temporarily staying in Turkmenistan and applicants for residence permits in Turkmenistan and the revocation of such permits. In accordance with article 15, paragraph 10, of the Act on grounds for denying a visa and residence permit in Turkmenistan, a foreign national or stateless person may be denied a visa or residence permit in Turkmenistan on the grounds that that person is a member of a terrorist, anti-government, extremist or other criminal organization or is associated with such an organization. These circumstances also serve as the basis for revoking the residence permit in Turkmenistan of a foreign national or stateless person (in accordance with article 16, paragraph 4, of this Act).

The decree of the President of Turkmenistan of 13 July 2005 on the improvement of the activities of the State Service for the Registration of Foreign Nationals approved the regulations on the work procedures of the Commission for Monitoring the Issuance of Visas and regulations on the procedures for inviting foreign nationals to work temporarily in Turkmenistan. The decree of the President of Turkmenistan of 24 October 2005 on the introduction of a new passports for citizens of Turkmenistan to exit from and enter into Turkmenistan also approved the design of passports for citizens with biometric data (photo identification and fingerprints) as well as the regulations on the procedures for processing the passports of citizens of Turkmenistan for exit from and entry into the country.

For the purpose of preventing terrorism-related crime, Turkmenistan is conducting, within its spheres of action, ongoing operational and preventive work intended to detect persons prone to terrorist activity and those associated with them.

In accordance with article 7 of the Act of Turkmenistan on combating terrorism, the State Counter-Terrorism Commission, established by the President of Turkmenistan, is responsible for coordinating the activities of and ensuring cooperation among government bodies engaged in combating terrorism and public associations for the purpose of harmonizing their actions to prevent, detect and suppress terrorist acts and also to identify and remedy the causes and conditions that contribute to the preparation and carrying out of terrorist acts.

The decree of the President of Turkmenistan of 7 March 2005 approved the regulations on the procedures for granting refugee status in Turkmenistan, which established the procedures for granting refugee status on the basis of the generally recognized principles and standards of international law and in accordance with the Act of Turkmenistan of 12 June 1997 on refugees. The agencies of the State Service of Turkmenistan for the Registration of Foreign Nationals have the right, upon request by the competent authorities when they identify circumstances covered under the law of Turkmenistan which constitute grounds for the loss or revocation of a person's refugee status, to decide on the loss or revocation of refugee status in Turkmenistan.

In accordance with article 7 of the Act of Turkmenistan on refugees, refugee status is not granted to a person where there are serious grounds to believe that he or she:

- Has committed a crime against peace, a military crime or a crime against humanity, as defined in the international instruments drafted for the purpose of taking measures in respect of such crimes;
- Has committed a serious crime of a non-political nature outside Turkmenistan before being allowed into Turkmenistan as a refugee;
- Is guilty of committing acts that run counter to the purposes and principles of the United Nations.

In accordance with article 2 of the Act on combating terrorism, "the legal basis for combating terrorism comprises the Constitution of Turkmenistan, the decisions of Khalk Maslakhaty (People's Council), the Criminal Code of Turkmenistan, this Act, other laws of Turkmenistan, decrees and decisions of the President of Turkmenistan, the universally recognized principles and rules of international law, the international treaties to which Turkmenistan is a party and the laws and regulations of the relevant State bodies adopted in accordance with them".

Matters of international cooperation in the area of counter-terrorism are specified in article 5 of the Act on combating terrorism. Under this article, in accordance with international agreements, Turkmenistan cooperates with foreign States, their law enforcement agencies and intelligence services in combating terrorism as well as with international organizations engaged in combating terrorism and assists other Governments with criminal investigations or the criminal prosecution of persons involved in the financing or support of terrorist activities, including help in turning over any available evidence needed for such prosecution. In the interest of the security of individuals, society and the State, Turkmenistan conducts the criminal prosecution in its territory of persons engaged in terrorist activities, including cases of terrorist acts planned or committed outside Turkmenistan that nevertheless harm Turkmenistan and other cases provided for under international agreements to which Turkmenistan is a party. In accordance with its national laws and the rules of international law, Turkmenistan prevents and suppresses the financing of terrorist activities and promptly blocks funds and other financial assets, holdings, economic resources and tangible assets of persons who commit or attempt to commit terrorist acts or assist in committing them.

On 10 April 2003, Turkmenistan and the Russian Federation signed the Agreement on cooperation in the area of security, which provides for cooperation between the countries for the purpose of strengthening peace and enhancing stability

and security in Central Asia and the world in general. With respect to combating terrorism, the Agreement specifies as follows:

> "The parties shall cooperate in combating international terrorism, suppress the activities of terrorist and extremist organizations, prevent and suppress acts of terrorism, their preparation and financing, deny asylum to identified members of terrorist organizations, exchange tactical information about their plans, cooperate in the area of providing legal assistance and the extradition of persons who have committed or prepared to commit terrorist activities in the territory of one of the Parties, using for these purposes the mechanisms for bilateral and multilateral cooperation by the competent departments within the framework of the relevant international organizations."

Article 7 of the Agreement between Turkmenistan and the Republic of Uzbekistan on friendship, confidence-building and the development of cooperation, signed on 19 November 2004 in Bukhara, specifies that the "High Contracting Parties have agreed on the further consolidation of efforts to combat terrorism, crime, smuggling, illicit trafficking in drugs and psychotropic substances, illicit crossing of State borders and other violations of the law, by means of enhancing cooperation among the law enforcement, border, migration and customs bodies of the two States. For these purposes, the High Contracting Parties have agreed to undertake a range of specific measures to ensure law and order in the border regions of the two States and strengthen the State border regime."

In accordance with article 1, paragraph 5, of the Act of Turkmenistan on combating terrorism, "crimes of a terrorist nature" are crimes specified under articles 130 and 170, part 1 of article 176 and articles 271 to 273 of the Criminal Code of Turkmenistan. Crimes of a terrorist nature may also include other crimes specified under the Criminal Code if they are committed for terrorist purposes.

Furthermore, in accordance with article 33, paragraphs 1 and 4, of the Criminal Code:

(1) The organizers, instigators and accessories are considered as accomplices to an offence together with the perpetrators;

(4) An instigator is considered to be a person prone to committing a crime through persuasion, bribery, threats or other means.

In accordance with article 35, paragraphs 1 and 3 of the Criminal Code:

(1) The liability of accomplices is determined by the degree and nature of involvement of each of them in the commission of the offence;

(3) The liability of the organizer, instigator and accessory is incurred under the same article of the Special Section of the Criminal Code as that of the perpetrator, based on article 33 of the Code.

In the interest of the security of individuals, society and the State, Turkmenistan conducts criminal prosecutions in its territory of persons engaged in terrorist activities, including cases in which terrorist acts planned or carried out outside Turkmenistan nevertheless caused damage to Turkmenistan and other cases specified under international agreements to which Turkmenistan is a party.

In accordance with article 6 of the Act on combating terrorism, the President and Cabinet of Ministers of Turkmenistan exercise general leadership in combating terrorism and provide the necessary forces, means and resources for that purpose.

The government bodies directly engaged in combating terrorism within their mandates are:

1. The Ministry of National Security;
2. The Ministry of Internal Affairs;
3. The Security Service of the President of Turkmenistan;
4. The Ministry of Defence;
5. The State Service for the Registration of Foreign Nationals;
6. The State Border Service;
7. The State Customs Service;
8. The General Prosecutor's Office.

Other government bodies are also involved in efforts to prevent, detect and suppress terrorism within their mandates.

The State Counter-Terrorism Commission established by the President of Turkmenistan coordinates the activities of and ensures cooperation among State agencies involved in combating terrorism.

In accordance with article 7 of the Act on combating terrorism, the State Counter-Terrorism Commission has the following basic tasks:

- To formulate, on the instructions of the President of Turkmenistan, the basis of the government policy on combating terrorism in Turkmenistan and recommendations to enhance the effectiveness of work on detecting and remedying the causes and conditions that contribute to the rise of terrorism and to terrorist activity;
- To collect and analyse information on the status of and trends in potential terrorist activity in the territory of Turkmenistan;
- To coordinate the activities of and ensure cooperation among government bodies engaged in combating terrorism and public associations for the purpose of harmonizing their actions to prevent, detect and suppress terrorist acts and also to identify and remedy the causes and conditions that contribute to the preparation and commission of terrorist acts;
- To establish a list of important government sites, buildings and lines of communication requiring protection;
- To take part in drafting international anti-terrorism agreements to which Turkmenistan is to be a party;
- To ensure the education and training of specialists and the conducting of research in combating terrorism, including the study and use of international practice;
- To develop proposals to improve the legislation of Turkmenistan on combating terrorism.